

FEB 09 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: YELLOWSTONE
MOUNTAIN CLUB, LLC,

Debtor.

BRIAN A. GLASSER, Trustee of the
Yellowstone Club Liquidating Trust,

Plaintiff - Appellee,

v.

TIMOTHY L. BLIXSETH,

Defendant - Appellant.

No. 16-35034

D.C. No. 2:13-cv-00068-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted February 9, 2016 **

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: GRABER, RAWLINSON, and FRIEDLAND, Circuit Judges.

Upon review of the response to the court's January 19, 2016 order to show cause and the briefs, we conclude that Blixseth's appeal from the district court's December 30, 2015 order is not reviewable as a recalcitrant witness appeal under 28 U.S.C. § 1826. Accordingly, we dismiss this appeal for lack of jurisdiction. *See United States v. Craddick*, 842 F.2d 1157 (9th Cir. 1988); *SEC v. Elmas Trading Corp.*, 824 F.2d 732 (9th Cir. 1987).

DISMISSED.